FARAD CONTINUATION SHEET NO
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

FAMILY COURT APPEAL NO. 40 OF 2001

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Smt. M. Monetiorio with Ms. A.W. Barve for the Appellant.

Mr. R.T. Lalwani for the Respondent.

CORAM : V. C. DAGA &
R.S. MOHITE, JJ.
DATED : 21.9.2004.
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P.C.

1. Parties to the appeal were heard for some time on the last date of hearing i.e. on 20.9.2004. During the course of hearing, the parties were persuaded to settle the matter in dispute. After brief persuasion, both of them agreed to settle their disputes for all time to come. By consent of the parties, the matter was adjourned for a day so as to enable them to present their consent terms.

2. The parties to the appeal have

today presented consent terms under their respective signatures duly countersigned by their respective Advocates. Having examined the consent terms, we have satisfied that the said consent terms are reasonable and are in the interest of the parties. The respondent has handed over three cheques bearing Nos.861664, 861665 and 861666 dated 31.10.2004, 28.2.2005 and 30.6.2005 respectively for Rs.50,000/- each drawn on Abhudaya Co.op. Bank Limited, Bhandup (W) Branch.

3. The appellant and the respondent both are present in person. Respective undertakings incorporated in the consent terms are accepted and taken on record and marked Exh."X" for identification. Since the matter is compromised between the parties, Criminal Complaint filed against the respondent would be dealt with in accordance with the condition No.5 incorporated in the consent terms. In view of the above compromise, the

learned Metropolitan Magistrate to pass the appropriate order in the criminal matter in accordance with law. Appeal stands disposed of in terms of the compromise and accordingly impugned Judgment and Decree stands modified. The cheques are handed over to the appellant for encashing them on its due dates and the respondent has undertaken to honour these cheques. We hope that this settlement would settle the dispute between the parties in all respect in future. Appeal stands disposed of in accordance with the consent terms. Family Court is directed to draw the decree in terms of the consent terms.

(V.C. DAGA, J.)

(R. S. MOHITE, J.)